REMARKS

Claims 1-10, all the claims pending in the application, have been examined and rejected on prior art grounds.

Claim Objections

The Examiner has objected to claims 7-10 for various informalities. Applicants amend claims 7-10 to correct the noted informalities and respectfully request withdrawal of the objection. Applicants note that the amendments to claims 7-10 were made merely to more accurately claim the present invention and do not narrow the literal scope of the claims and thus do not implicate estoppel in the application of the doctrine of equivalents. Further, because the amendments to claims 7-10 place the claims in better condition for appeal, entry of the amendments are respectfully requested.

Claim Rejections - 35 U.S.C. § 103(a)

The Examiner has maintained the rejection of claims 1-10 rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ma et al. (US Patent Number 5,953,338) in view of Christie et al. (US Patent 6,115,380). Applicants respectfully traverse the rejections at least for the following reasons.

In the Amendment filed November 12, 2008, Applicants submitted that Ma does not teach or suggest that the provisioned virtual connections in a virtual group path are <u>specific to the user</u>, as recited in amended claim 1. Applicants also submitted that Ma does not teach or suggest that the user requests a data stream <u>after</u> the provisioning of a plurality of virtual connections <u>specific to the user</u>, as recited by claim 1. Instead, Ma discloses that the connections in a virtual group path are <u>shared amongst the multitude of clients</u> and are set up on an 'as needed' basis, and a request for a data stream is initiated <u>before</u> a connection is made.

In response, the Examiner asserts that Ma teaches that a user can request or borrow from an already provisioned virtual connection, the leased capacity is to other customers on an ATM backbone, customers already have capacity, and are requesting more when they need it (page 12 of the Office Action).

Here, the Examiner appears to assert that it is Ma's, rather than the connections, are shared among customers, and a customer which already has capacity requests or borrows more capacity from an already provisioned virtual connection. Accordingly, the Examiner appears to draw the conclusion that Ma's connections correspond to the claimed plurality of connections and are provisioned prior to a request for capacity.

However, the Examiner's assertion that a first customer which is allocated capacity requests more capacity from a connection that is already provisioned to a second customer <u>does not support the conclusion that any connections are already provisioned to the first customer</u>. Although Ma discloses that the capacity (bandwidth) of a virtual path within which the requested channel will be provisioned is adjusted and may be borrowed from another virtual path in order to accommodate the newly requested channel (See at least col. 8, lines 50-59), <u>this does not indicate that a plurality of connections have already been provisioned for the requesting party</u>. On the contrary, Ma discloses <u>connections are established in response to a request </u>for a call.

Ma discloses that the size of a virtual path is adjusted to provide extra capacity so that <u>additional virtual channels can be created </u>to accommodate a request from a client (col. 13, lines 38-41). <u>When a client requests for a call</u>, a centralized call admission control/usage monitor module 145 determines what virtual paths and virtual channels <u>will be connected </u>depending on a number of factors including quality of service expectations (column 7, lines 13-26) to another client. The control module 140 determines whether to allow the virtual connection <u>to be setup</u>

(column 7, lines 5-8). An ATM switch 130K adjusts, alters, creates, or destroys the actual size

of the virtual path containing virtual connections, so that, if possible, the call requested by the

client can be made (column 7, lines 31-36).

Clearly, Ma's virtual connections are provisioned as needed in response to a user request

for such a connection (see at least col. 7, lines 5-8 and col. 13, lines 18-58) rather than being

already provisioned when a user requests capacity to make a call. Thus, Ma does not teach that a

user requests a data stream after the provisioning of a plurality of virtual connections, as recited

by claim 1.

Christie does not cure the above noted deficiencies of Ma. Specifically, similarly to Ma,

Christie's system provides ATM connections on a call by call basis (col. 5, lines 62-64). In other

words, a call is requested before a connection between users 100 and 102 is established by signal

processor. Accordingly, Christie does not teach or suggest that the user requests a data stream

after the provisioning of a plurality of virtual connections specific to the user, as recited by claim

1.

Moreover, Ma does not teach that after the user has requested said data stream from said

content provider, and if the user lacks support for negotiating or acknowledging the bandwidth

through said access network with said quality of service, the method includes identifying a

virtual connection out of said plurality of provisioned virtual connections provisioned to the user

capable of guaranteeing said quality of service between said user and said access server. Instead,

Ma discloses that the size of a virtual path is adjusted to provide extra capacity so that additional

virtual channels can be created to accommodate a request from a client (col. 13, lines 38-41).

Rather than identifying an already provisioned connection, Ma establishes a new connection in

response to a user request.

Christie does not cure the above noted deficiency of Ma. In particular, Christie's system provides ATM connections on a call by call basis (col. 5, lines 62-64). As such, Christie does not identify an already provisioned connection, rather establishes a new connection in response to a user request.

Because Ma and Christie, alone or in combination, do not teach all of the features of claim 1, Applicants submit that the claim is not rendered unpatentable by Ma and Christie. Applicants also submit that claims 2-6, being dependent on claim 1, are patentable at least by virtue of their dependency.

Independent claim 7 recites features similar to those discussed above in conjunction with claim 1. Thus, Applicants submit that claim 7 is patentable at least for reasons analogous to those discussed above regarding claim 1. Applicants also submit that claims 8-10, being dependent on claim 7, are patentable at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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